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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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DOGMI
MINERALS PROGRAM
FILE COPY

August 28, 1990

Mr. Warren Reynolds
Salt Lake County Plan Review Section
2001 South State Street, N3600
Salt Lake City, Utah 84190-4050

Dear Mr. Reynolds:

Re: Request for Recommendation, Rezone from R-2-10C to R-1-10, Interstate Brick Company, Big Cottonwood Mine, M/035/003, Salt Lake County, Utah

This letter is forwarded pursuant to your recent request for an approval or disapproval recommendation regarding the proposed rezoning of Interstate Brick Company's, Big Cottonwood Mine area. Mr. Holland Shepherd of the Division has been in contact with Mr. John Young of your department regarding our position on the proposed property sale between Interstate Brick Company and City Development Corporation (Mr. Walter Plumb).

On August 9, 1990, we forwarded a letter to Mr. Lance Jackson of Interstate Brick Company, regarding our position on their request for a mine permit transfer to City Development Corporation (copy attached). As outlined in that letter, the Division denied Interstate Brick Company's permit transfer request and requested that the operator commence reclamation of the property. It is our opinion that the permit transfer provisions within the rules of the Utah Mined Land Reclamation Act, were intended to be used to transfer mine properties from one mine operator to another mining related interest. This clearly is not the intent in this instance.

A mine operator can request approval of any number of postmine landuses as part of the permit application process. However, upon termination of operations the mine operator must leave the mine property in a condition suitable to support the approved postmining landuse. This would require the minesite to be left in an environmentally stable condition. All potentially hazardous or dangerous onsite conditions would need to be corrected prior to abandonment, if said conditions were a direct result of the mining-related activities.

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The approved postmining landuse for the Big Cottonwood Mine is to return it to native rangeland/wildlife habitat. Interstate Brick will be required to reclaim the minesite to a suitable condition to support the approved postmining landuse.

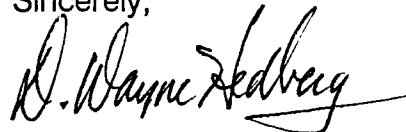
After a minesite has been successfully reclaimed according to the approved mining reclamation plan, the mine operator is usually released from any further reclamation obligation by the Division. What happens to the property after the Division releases the mine operator from his reclamation obligations, is beyond our regulatory jurisdiction.

We recognize that there is a landmass stability concern above the mine site that could have a negative impact on proposed development in the immediate vicinity of the mine. If we were required to make a determination on the validity of a commercial development postmining landuse, the Division would evaluate the site to determine if the mine operator had left the site in a favorable condition to support this landuse.

Before we could approve of a commercial development landuse, we would require that the operator demonstrate that the property had been properly zoned to allow this type of land development upon closure of the mining operation. Based upon our site inspections and the technical information we have reviewed to date, we would likely not recommend that a commercial development landuse be permitted under the present circumstances.

Thank you for requesting our input in this regard. Please contact me or Holland Shepherd if we can answer any questions regarding our response to your request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wayne Hedberg". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

D. Wayne Hedberg
Permit Supervisor, Minerals Program

jb
Attachment
cc: Lance Jackson, IBC
Lowell Braxton, DOGM
Minerals Staff
MNM035003.3